

ADDRESS TO THE PUBLIC


ON THE

SANCTITY OF THE SABBATH.



PHILADELPHIA.

1866.



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Address to the Public on the Sanctity of the Sabbath.

AT a Meeting of Citizens of Philadelphia, held in the Methodist Episcopal Chapel, corner of Broad and Arch streets, December 26, 1865, on the subject of the Sabbath, the following Resolutions were submitted by the Committee calling the meeting, and were unanimously adopted :

"Whereas, It is understood that measures are being taken to modify or to overthrow the laws of this commonwealth for the observance of the Sabbath, and

"Whereas, The principles and the interests involved in the keeping of such a day seem to be much misunderstood, and in danger of being forgotten, therefore

"Resolved, 1. That the Sabbath was made for man ; for his body and his soul ; for the whole race, in all its varied history and conditions. Its law of holy rest dates from Eden, and is hallowed by the example of the God who gave to man his being and nature. It is of universal and perpetual obligation upon individuals and upon communities. It is the remembrance of man's origin, and the type of man's highest destiny. Its right observance promotes personal cleanliness, health, cheerfulness, and self-respect ; conduces to system, economy, and diligence in business, besides furnishing matter and facilities for moral and religious culture, and thus lies at the foundation of social and public order, peace, and progress.

"Resolved, 2. That the desecration of this holy day, which seems fast becoming general among us, by open wickedness, by the traffic in intoxicating drinks, by drunkenness and other vices, by amusements, and by the open prosecution of secular callings, not from necessity, nor for mercy, but for gain, is an evil to be viewed with alarm by all moral and patriotic citizens, and calls for prompt and vigorous efforts to check and counteract it.

"Resolved, 3. That it is incumbent on all the friends of the Sabbath to form, and to express a public sentiment, which shall intelligently assert the moral obligation and the great benefits of that holy day ; and that to this end all ministers of the gospel in this city, be respectfully requested, by this meeting, to preach at their discretion on this subject, and all editors of public journals

to give their influence in the same direction; that a committee of five (of whom the President of this meeting shall be Chairman) be appointed to wait upon his honor, the Mayor, and engage his official energies to enforce the existing laws against drinking saloons, public sports, the crying of newspapers, and other desecrations of the day; also, that a committee of five be appointed to prepare and issue an address to the public on the present interest, and the importance of this great subject.

“Resolved, 4. That in the judgment of this meeting, neither the publication of Sunday newspapers nor the running of Sunday passenger cars is called for by any public interest, or by the taste or the wishes of this community; and that such measures should be met with the uncompromising opposition of all good citizens.

“Resolved, 5. That a committee of five be appointed to have in charge the general interests of the Sabbath question in this city, with special instructions to guard against, and to oppose any attempts which may be made to modify the present Sunday laws of this State, or to introduce any legislation which may be prejudicial to the due observance of the day of sacred rest; and also to secure any additional legislation which may be deemed necessary to protect these great interests.”

At a subsequent meeting, the number of the committee specified in the third resolution, was enlarged to nine, and the undersigned were appointed to “prepare and issue an Address to the Public, on the present interests and the importance of this great subject.”

ALBERT BARNES,
MATTHEW SIMPSON,
WILLIAM STRONG,
WILLIAM A. PORTER,
THOMAS H. POWERS,

JOHN H. A. BOMBERGER.
JAMES POLLOCK,
T. STORK,
JOHN P. CROZER.

The determination of what is to be regarded as right and wrong in a community; of what may be done or may not be done, by citizens as such; of what shall regulate men in their conduct toward each other; and of what shall be understood to be for the peace and prosperity of a community, rests with the citizens themselves, subject only to the higher authority of God. No man is to be regarded as having a right, for any private or individual

purpose, to do that which the law forbids; no man is to be deprived of protection in that which the law allows; no man has a right to set up his private interests in opposition to what the community has declared to be demanded by the good of the whole; and no man is to be restrained from doing that which shall be for his interest, and which the law allows, by popular feeling, or by force exerted contrary to the law. The right to make or set aside laws is not in individuals, as founded on what they regard as their own interest, or in corporations acting under a charter, except as authorized by the power which creates them. Private conduct; corporations; towns; cities; states; are all to be governed by the laws, properly enacted, and sanctioned by the people. If the law is a bad one, it is to be changed in a proper manner. It is not to be set aside by the will of an individual, or by the act of a corporate body.

When, therefore, a state of things exists in a community, or is growing up in a community, contrary to the laws; when individuals enter on a course of conduct, or undertake to prosecute business that is contrary to the laws; when there is an avowed determination to disregard the laws, with the belief that the community will sustain such violation; when there is an attempt to force upon the community the necessity of a change in existing laws, by an appeal to passion or prejudice, or by arraying one class of a community against another, it is the privilege—it is the duty—of all good citizens to make use of all proper means to prevent the open violation of the laws; to remonstrate against the attempt to put the laws aside, whether the attempt be made by individuals or by corporations; and to endeavor to prevent all such legislation as would change or modify the laws which are essential to the good of a community.

It is on these principles, and in these circumstances, that the undersigned have been appointed to address their fellow-citizens on the “present interests, and the importance of the Sabbath.” It is not improper that this

should be done. It is the right of any citizen, or any number of citizens, to do it. It is not the act of citizens having peculiar interests to promote, against another class with different interests. It is not the act of men engaged in one kind of business, against those engaged in another. It is not the act of one class against another; the act of the "clergy" against the "people," or the "people" against the "clergy." It is not an attack on freedom to do it, for it is of the very nature of constitutional liberty to inquire what is right and what is wrong; what may be done, and what may not be done; what may be allowed, and what should be restrained. It is not an attack on private rights, for the very question is, whether those who disregard the laws, in the matter under consideration, have a right to do it. It is not an invasion on the consciences of individuals, for it is an appeal to the public conscience as to what shall, in the pursuits of the citizens of a State, be regarded as right or wrong, as tolerated or forbidden.

We believe that a state of things exists in this community, as already matured, or as inaugurated, in regard to the Sabbath, which makes such an appeal timely and proper. The causes of the tendency to more lax views in reference to the observance of this day, we do not think it necessary now to advert to; nor does it comport with our views of propriety, or what is demanded in the case, to advert to the acts of any individuals as giving occasion for anxiety or alarm. The questions at issue are of more importance than any which could pertain to the conduct of any one individual. We attack no individual; we invade no man's rights; we seek only to submit considerations to our fellow-citizens, to prevent what we regard as danger to one of the most sacred and valuable institutions in the Commonwealth, and to awaken in their minds a profounder regard for the Christian Sabbath as a day of rest.

The facts in regard to the Sabbath, as pertaining to the Commonwealth of Pennsylvania, are the following:

(1.) The Sabbath is recognized by the laws, and a proper

regard for it is placed on the same footing as a proper regard for the laws on other subjects.

The Christian religion has been uniformly recognized as a part of the common law of Pennsylvania.* The first legislative act in the colony of Pennsylvania recognized the Christian religion, the obligation of the "Lord's day," and affirmed the liberty of conscience. Judge Duncan, referring to this first legislative act (*Updegraph vs. The Commonwealth*), says—"It is called the great law of the body of laws, in the Province of Pennsylvania, passed at an Assembly at Chester, the 7th of the twelfth month, December."

The preamble to the Act shows what were the views of the founders of the Commonwealth in regard to the importance of religion, and of the Christian religion in particular—"Whereas, the glory of Almighty God and the good of mankind, is the reason and end of government, and therefore government in itself is a venerable ordinance of God; and forasmuch as it is principally desired and intended by the proprietary, and governor, and the freemen of the Province of Pennsylvania, and territories thereunto belonging, to make and establish such laws as shall best preserve true Christian and civil liberty, in opposition to all unchristian, licentious, and unjust practices, whereby God may have his due, Cæsar his due, and the people their due, from tyranny and oppression on the one side, and insolency and licentiousness on the other, so that the best and firmest foundations may be laid for the present and the future happiness both of the governor and people of this province, and territories aforesaid, and their posterity: Be it enacted," etc.

By a clause or section of this Act the observance of the "Lord's day" is provided for.

The Acts of the Commonwealth of Pennsylvania specifically relating to the Sabbath are those of 1705, 1794, 1847,

* *Updegraph vs. The Commonwealth*, 11 Sergt. & Rawle, 394.

and 1855. The first Act of 1705 is as follows: "To the end that all people within this province may with greater freedom devote themselves to religious and pious exercises, be it enacted," etc. And then follow these sentences: "That, according to the example of the primitive Christians, and for the ease of creation, every first day of the week, commonly called Sunday, all the people shall abstain from toil and labor, and whether masters, parents, children, servants, or others, they may better dispose themselves to read and hear the holy Scriptures at home, and frequent such meetings of religious worship abroad as may best suit their respective persuasions."

The Act of 1794 is as follows: "If any person shall do or perform any worldly employment or business whatsoever on the Lord's day, commonly called Sunday, works of necessity and charity only excepted, shall use or practice any unlawful game, hunting, shooting, sport, or diversion whatsoever on the same day, and be convicted thereof, every such person so offending shall for every such offence forfeit and pay the sum of four dollars, to be levied by distress; or in case he or she shall refuse or neglect to pay the said sum, or goods or chattels cannot be found whereof to levy the same by distress, he or she shall suffer six days' imprisonment in the house of correction of the proper county. *Provided always*, That nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns, and other houses of entertainment for the use of sojourners, travellers, or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk or the necessities of life before *nine* of the clock in the forenoon, nor after *five* of the clock in the afternoon of the same day. *Provided always*, That such prosecution shall be commenced within seventy-two hours after an offence shall be committed."

The Act of 1705, especially pertaining to the sale of intoxicating drinks on Sunday. The Act is in the following words :

(5.) "*And be it further enacted*, That all persons who are found drinking and tippling in ale-houses, taverns, or other public house or place, on the first day of the week, commonly called Sunday, or any part thereof, shall for every offence forfeit and pay one shilling and sixpence, to any constable that shall demand the same, to the use of the poor; and all constables are hereby empowered, and by virtue of their office required to search public houses and places suspected to entertain such tipplers, and them, when found, quietly to disperse; but in case of refusal, to bring the persons so refusing before the next justice of the peace, who may commit such offenders to the stocks, or bind them to their good behaviour, as to him shall seem requisite. And the keepers of such ale-houses, taverns, or other public house or place, as shall countenance or tolerate any such practices, being convicted thereof, by the view of a single magistrate, his own confession, or the proof of one or more credible witnesses, shall, for every offence, forfeit and pay ten shillings, to be recovered as and for the uses abovesaid.

(6.) *Provided always*, That nothing in this Act be construed to prevent victualling houses or other public house or place from supplying the necessary occasions of travellers, inmates, lodgers, or others, on the first day of the week, with victuals and drink in moderation, for refreshment only; of which necessary occasion for refreshment, as also moderation, the magistrate before whom complaint is made shall be judge—any law, usage, or custom in this province to the contrary notwithstanding."

The Act of 1847, excusing canal or railroad companies from attending their works on the Sabbath days, for the purpose of expediting or aiding the passage of any boat, craft, or vehicle along the same.

The law of 1855, prohibiting the sale of liquors on the first day of the week. This law is as follows :

(1.) "It shall not be lawful for any person or persons to sell, trade, or barter in any spirituous or malt liquors, wine or cider, on the first day of the week, commonly called Sunday; or for the keeper or keepers of any hotel, inn, tavern, ale-house, beer-house, or other public house or place, knowingly to allow or permit any spirituous or malt liquors, wine or cider, to be drunk on or within the premises or house occupied or kept by such keeper or keepers, his, her, or their agents or servants, on the said first day of the week."

The Second Section imposes a penalty of fifty dollars, to be recoverable as debts of like amount are now by law recoverable, one half for the guardians of the poor, the other for the benefit of the prosecutor, unless he is a witness—in which event the whole penalty is to be paid to the said guardians.

The Third Section enacts that

"In addition to the civil penalties imposed by the last preceding section, for a violation of the provisions of the first section of this Act, every person who shall violate the provisions of that section, shall be taken and deemed to have committed a *misdemeanor*, and shall on conviction thereof, in any criminal court in this Commonwealth, be fined in any sum not less than ten, nor more than one hundred dollars, and be imprisoned in the county jail for a period not less than ten, nor more than sixty days, at the discretion of the Court."

These enactments have been uniformly sustained by the courts of the State as constitutional and proper. Thus, in the Constitution of the State, "which is beyond all question," says Judge Ludlow (case of William H. Jeandelle), "the great embodiment of the customs, usages, and will of the people," Sunday is "excepted from the calculation fixing the number of days allowed to the Executive for the consideration of legislative bills." Art. 2, Sec. 23.

Thus Ch. J. Tilghman declares "that the violation of the Sabbath is a crime which deserves punishment." 1 S.

and R. 347. Thus Ch. J. Lewis declares "The Sabbath is a Christian institution, recognized by the common law and the Constitution, and on this ground alone has the Legislature a right to pass laws for its observance." 2 Amer. Law Reg. 520.

(2.) The habits of the community in regard to business are founded on the existence of these laws, and are *adjusted* to them in all matters of trade, merchandise, and manufactures—of schools and colleges; of courts; of domestic life; of religion. They enter essentially into the arrangements of social and civil life; of learning and law; of business and of pleasure, as well as of religion. Every school is closed; every court is adjourned; every manufactory is stopped. The stores, the theatres, the ball-rooms, are shut. The farmer leaves his plough in the furrow; the day-laborer lays down his pick or his shovel; he who works by the month or the year feels that he has a right to this day as a day of rest; the professor in a college, the teacher in a public school, the judge on the bench, the representative in the senate or the assembly, suspends his toil. The State government and the city government, except as necessity requires action in certain cases, close their offices and give rest to their officials. Bankers and brokers; those who supply our families with clothing, furniture, fuel, and food, suspend their business. Even the asylums of benevolence are guarded against idle and needless visitations, and are "hushed into more than their wonted stillness." No laws are acquiesced in more cheerfully and more universally than those which are founded on the sanctity of the Sabbath; in respect to no other law are the habits of the community more perfectly adjusted than to those which forbid labor on that day, and which designate it as a day of rest.

How much is implied in this remark may be understood by one who would undertake to compute the amount of instruction, sacrifice, legislation, and toil which would be required in forming the habits of a savage tribe, and *adjust-*

ing their views to the observance of such a law. Such habits do not spring up suddenly, nor are they the result of mere legislation. They are the slow growth of years, formed and matured under the conviction that they are founded on truth, and are for the good of mankind.

(3.) These laws have been in existence in the Commonwealth for a century and a half, without detriment to the public good, and, as the community has believed, closely connected with the industry and prosperity of the people, with the prevention of crime, and with the promotion of sound morality and refined manners. The law on the subject has been submitted to without a murmur, though it abstracts from secular callings fifty-two days, or nearly two working months in every year; for the community has believed that more has been gained than lost by taking that time from secular pursuits and devoting it to higher purposes; that instead of being a loss to the community, it has been a gain on the score of health and vigor; of good order; of general comfort; of public virtue, and of prosperity in worldly matters.

(4.) While this has been the general sentiment of the community, irrespective of religious belief, there is a large and respectable portion of citizens, whose opinions are entitled to consideration, as the views of any large class of citizens are, who regard the Sabbath as having a higher authority for its observance than any derived from man. In their apprehension, it is a requirement of God that the day should be regarded as sacred. To their own peculiar views, as religious, they do not seek to bind others by law, nor do they ask that the law shall prescribe to others in what way the day, as a religious institution, shall be observed; but, while for themselves they place the obligation of its observance on those higher views, and as an act of duty to God, they are willing to unite with others in its observance as necessary for the "ease of creation," and for the temporal welfare of the State. They do not attempt

to dictate as to the motives which shall govern others; they ask only that the law shall be observed.

(5.) These customs have been so well settled in the community that it has come to be understood by a large portion of the citizens, and particularly by the laboring classes, that they have a *right* to this day as a day of rest; and this right is regarded as among the most valuable which they enjoy. Contracts for labor are made with this understanding, and so well is this understood that it is not necessary that this should be specified in the agreement to a contract to work by the day, the month, or the year; it is not necessary to specify that this shall *not* include the Sabbath, and it would be regarded as a violation of the contract if it should be insisted on. The same is true in indenting apprentices, and in binding out orphans. By the very nature of such indentures, as understood in the Commonwealth, the Sabbath is to be to them a day of rest from toil. No one could enforce a claim to the labor of an apprentice on the Sabbath by the law; no one could advance such a claim without violating a well-understood right. The same is true in relation to officers and clerks in banks; to judges in the courts; to salesmen in stores; to printing offices; to masons, carpenters, painters; to operators in cotton and woolen factories, and to laborers in machine shops. By common consent; by universal custom; by the laws themselves; for these, and for all classes of laborers, unless there is a special contract to the contrary, the Sabbath is to be a day of rest. This right is to them invaluable. It is among the most needed, and the most precious, which laboring men can enjoy. Nothing could be more unjust than to attempt to deprive them of this right, or so to modify the laws, or to change the customs of the community, as to compel them to labor "every day in the week"—"every day in the year." Moreover, to take advantage of their necessities, in connection with any particular calling—as of labor in a printing office, or in the distribution of newspapers, or in conduct-

ing cars, and to make it necessary for them either to labor on the Sabbath or to be dismissed from the employment, would be to discriminate between them and other laborers; would be unequal in its operation, and unjust to themselves and to their families. A strenuous effort is now made in this State, and in other States of the Union, to reduce the number of hours required of laborers from ten to eight—an effort which is entirely in the direction of humanity and kindness toward those whose lives are spent in toil. At the same time, however, while this effort is made, so much desired by laborers, an effort of a directly opposite kind is made by those who are seeking to abolish the Sabbath, and to compel those who labor to toil every day of the week—taking away an entire day of rest. Toward this large class of citizens—comprising, in fact, the great body of the community—nothing could be more unjust than laying this additional burden upon them, depriving them of their sacred right—the right to a day of rest—a right which they have enjoyed from their earliest years; a right guaranteed to them by the Constitution and the laws; a right regarded as sacred in the customs of the community; a right to the enjoyment of which they look forward in all their future lives: their very birth-right, and among the most precious of their birthrights in a land of liberty. Life to the masses; life to those doomed to hard toil; life to the professional man; life to the salesman, the teller in a bank, the clerk in a custom-house; life to the farmer, the teacher, the mechanic; nay, life to the convict in his cell, would be a different thing—a gloomy thing—if in his daily engagements man might not look forward to a day of repose; if in its hardest toils he could not anticipate that there would be intervals, often occurring, when he might suspend his labor altogether, and have, at least, one day when he would not be crushed with toil, and burdened with care. No one can estimate the real value of such a day to the laboring man, or the benevolence of those arrangements in our laws and customs

which have made this a right to those who toil. No change of customs; no legislative act, could be more oppressive on the great masses of men than that which would take away this right. As bearing hard on the laboring classes, a change in the "hour" system from *ten* hours a day to *twelve* would not be equal at all to such a change as would obliterate the Sabbath as a day of rest, and make it necessary for men to toil without interval, every day in the week, and every day in the year.

Such are the well-settled laws and customs of the State of Pennsylvania, and such the declared sentiments of the people of the Commonwealth.

(6.) It is, in our view, also, a very important point in considering whether these laws shall be abrogated or changed, that the manner in which the Sabbath has been observed in our country, and the views which have prevailed here on the subject, have contributed very much to make us what we are as a nation, in morality; in intelligence; in industry; in order; in the observance of law; and in general prosperity. He who would account for the origin of our civil institutions; he who would explain the voluntary subjection to law in our land; he who would give a proper view of the sources of our domestic peace and domestic virtues; he who would suggest the causes why pauperism and crime have had so much less prevalence in our land than in the Old World, would seek in vain for an explanation without taking into the account our prevailing views and habits in regard to the Sabbath. Nothing, perhaps, so arrests the attention of those who visit us from the Old World in regard to our country, as contrasted with their own, as the manner in which the Sabbath is observed, and the respect which is shown to the sacredness of the day. Our national prosperity has been closely connected, indeed, with our views of education, and with the diffusion of general intelligence in the land; but it is morally certain that that general intelligence would not have existed if it had not been for our

views of the Sabbath; and it would be difficult for a foreigner, or for an American statesman, to designate any thing that has more decidedly contributed to make us what we are, and to distinguish us from other nations, than the prevailing views in this country in regard to the Sabbath. *The Sabbath has, to an extent which no man can estimate, made us as a people what we are.*

These laws and customs it is proposed now to change, and a very important question has been brought before this community: whether they shall be thus changed. The question whether the Sabbath is of value the citizens of this Commonwealth are again called upon to consider; to examine anew the views which led the framers of the Constitution and of the laws to the present enactments, and the views which have contributed to establish the habits and customs now prevailing, and which have so long prevailed in the Commonwealth. It is not, indeed, proposed at once to abrogate the general laws on the subject, or to interfere with the conscientious preferences of those who may choose to observe the Sabbath as holy time. It is not proposed to change the laws in regard to apprentices, and to the understood nature of contracts, or to open the courts, the markets, the stores, the banks, the insurance offices, the schools and colleges, the mechanic shops, or the theatres and the opera houses on the Sabbath. Whatever may be the ultimate bearing of the measures proposed, no man would venture to go before the legislature or the people of this State to propose an entire repeal of the laws of the Sabbath.

The subjects on which it is proposed that there shall either be a change of existing laws in the Commonwealth, or that the community shall tolerate and sustain those who are conducting business in violation of the existing laws, are the following: (1) The publication of newspapers on "all the days of the week" and "of the year;" (2) the running of city cars on the Sabbath; (3) and the keeping open the places where intoxicating drinks may be

obtained—the ordinary drinking-places—on the Sabbath. Ultimately, however, the principles involved in these cases would lead to an entire change respecting the Sabbath; a change which would render any worldly pursuit lawful, and which would assimilate the Sabbath in our country to that which prevails extensively in the Old World: for the *principle* involved would authorize travel and employment in any other form; would make it lawful and proper that stores, offices, shops, and theatres should be open; would greatly affect the peace and good order of the community, and lead to a great increase of crime; would interfere with the rest and quiet necessary for the due observance of the worship of God; and would be, in the estimation of a very large portion of the community, a public disregard of the law of God. In fact, the stores, offices, and the theatres *would* not long be closed if these principles should prevail; and it is for the people and the legislature to determine whether changes shall be made, and principles shall be established, from which these consequences *would* legitimately follow, and which would, in their adoption, be so great an *outrage* on the consciences of a large portion of the people of the Commonwealth.

In reference to these points there are properly two questions. One is, whether those who are engaged in forms of business contrary to the existing laws of the Sabbath should be sustained by the community; the other is, whether the circumstances of the community have so far changed as to make a repeal or modification of the laws long in existence desirable.

(1.) The first point relates to the publication of newspapers on the Sabbath.

On this we remark,

(a) That the publication of a newspaper *is* a violation of the laws in respect to the Sabbath. We speak not now of the work done in the printing office; the editing of the paper, the setting of the types, or the printing of the paper. We do not advert to the question whether the types are

set, and the printing done on Saturday, or whether it be done on the “day commonly called Sunday.” Whatever the law may contemplate in regard to that, it is a quiet matter. It is not done in public. It does not disturb the community. There are many things which pertain to a man’s own conscience, which the law does not claim to interfere with. What a man shall do in his own house, provided he does not disturb the public peace; whether he shall read the Bible or a newspaper; whether he shall peruse a volume of sermons, or the works of Thomas Paine, or Renan’s Life of Jesus; whether the merchant shall go to his counting-room and write letters of business there; whether the lawyer shall make out his brief in his office, or the editor of a paper prepare his articles, all these are matters not now under consideration, and none of these things affect the matter of public business on the Sabbath. But the *publication*, the issuing, the sale, the crying of a newspaper, is a matter that the law does take cognizance of, as much as the sale of dry goods or hardware in a store, or as the sales in an auction-room. To say that the work of preparing the paper, the editing, the type-setting, the printing is done on *Saturday*, does not affect the question whether the *publication* occurs on the Sabbath; nor, considered as an offence against the law, does such a plea any more affect the question than the plea of an auctioneer that he arranged his goods, and made all preparations for the sale on *Saturday*, could affect the question whether it is in conformity with the law that he should, by public outcry, *sell* them on the Sabbath.

No one can doubt that the law is as applicable to the publication of a newspaper on the Sabbath as to any other kind of business, whether it be to ploughing, to sowing, to marketing, to the sale of hardware, dry goods, or groceries. “If any person shall do or perform *any* worldly employment or business whatsoever on the Lord’s day, commonly called Sunday, works of necessity and charity only excepted, every such person so offending shall for every such offence forfeit and pay the sum of four dollars,” etc. The publish-

ing of a newspaper on the Lord's day is as really "worldly employment" or "business," as it would be on any other day of the week, and is the "business" or employment pursued on the other days of the week, and is as really "*worldly* employment," or "business," as any other in which men engage. No man engaged in publishing a newspaper would take the position that it comes under the exception in the law in regard to "works of necessity and mercy."

(b) It is a depriving of a portion of the laboring classes of the community of what the law contemplates, and of what they are accustomed to regard as their right, a day of rest. If a newspaper is published "seven days in a week," or "every day in the year," the effect must be to deprive those who are regularly engaged in the work of the weekly day of rest; that is, in regard to some persons whose services are indispensable to the work, preventing their enjoyment of such a day of rest. It does not affect this question if "substitutes" are employed. The operation is somehow to *add* the one day in seven, or the fifty-two days in the year, to the labor done during the week or the year. It should be added, also, that this bears on those who have no other employment, and is taking an advantage of their necessity in compelling them thus to labor, or abandoning their business altogether.

(c) The publication of a newspaper on the Sabbath is a special offence against a community, because it is an abuse of power, and the perversion of influence which ought to be exerted in favor of law. The newspaper is, or ought to be, one of the most important *educators* of the public mind in regard to the value of law, and the observance of law. The good order of the community depends on the proper observance of the laws. But in nothing, perhaps, is there so much power in teaching men to disregard the laws, as in the publication of a paper "every day in the week." The influence of a farmer in Lancaster county, or in Potter county, who ploughs his field on the Sabbath is very limited. A few of his neighbors may be affected by the example, but the

effect of the example does not go beyond the neighborhood. The influence of a carpenter or a blacksmith who prosecutes his business on the Sabbath is also very limited. But not so with a newspaper. It is designed to have a wide circulation. It goes afar. It *preaches* the doctrine on that day to as many auditors as it can secure in its immediate neighborhood, and far and near throughout the land, that the Sabbath is not to be observed according to the laws. Wherever it goes, it impliedly proclaims the doctrine that the law is to be disregarded in all cases where the interests of men may seem to require it, and that *any* business on the Sabbath, if it be profitable, is proper; for if a newspaper may be published on this principle, why may not any other kind of business be pursued? Besides this, the publisher of a newspaper labors to induce as many persons as possible to disregard the Sabbath as a religious day, and to change it to secular purposes. The design of *publishing* a newspaper is that it may be *read*; and all classes who can be induced to read a secular paper on the Sabbath, are led by it to disregard the obligations of the day as a day devoted to the purpose of religion.

(1.) The publication of a newspaper on the Sabbath is an offence not only against the law, but against the moral and religious sense of the community. A large and very respectable portion of this community regard the Sabbath as sacred time, to be devoted to religious duties; as indispensable to the promotion of good morals and order; as closely connected with the domestic virtues, and with refinement of manners; and as vital to the best interests of man in a fallen state. In nothing else has the sentiments of the community been expressed in more decisive and unambiguous language, in the framing of the law, and in the customs and habits of the people, than on these points; in respect to nothing else could a man offer a more direct affront as a citizen, than in disregarding these well-understood conventions of his fellow men.

(2.) The second subject to which the public attention is

now directed, is the keeping open on the Sabbath of the places where intoxicating drinks are sold; and the remarks now made with reference to the publication of newspapers, apply, in the main, with equal pertinency to this practice, for the one is just as much as the other, *and no more*, a violation of the law. On this subject the law is as explicit as laws can be made. The penalties are fixed and clear. The intention of the law cannot be mistaken, for the law is not only against drinking or tippling in such houses (Act of 1705, (5), but expressly against the *sale* of spirituous or malt liquors, wine or cider, on the Sabbath. “It *shall not be lawful* for any person or persons to sell, trade, or barter in any spirituous or malt liquors, wine or cider, on the first day of the week, commonly called Sunday, or for the keeper or keepers of any hotel, inn, tavern, ale-house, beer-house, or other public house or place, knowingly to allow or permit any spirituous or malt liquors, wine or cider, to be drunk on or within the premises or house occupied or kept by such keeper or keepers, his, her, or their agents or servants, on the said first day of the week” (Act of 26th of February 1855, 1). Such is the law, enacted as solemnly as any other law of the Commonwealth; subjecting the offender, on its violation, to a double penalty; first, to a fine of fifty dollars as a *civil* offence, and secondly, regarded as a “*misdemeanor*,”* to be punished by a fine of “not less than ten nor more than one hundred dollars, and imprisonment in the county jail for a period of not less than ten nor more than fifty days, at the discretion of the Court.”

The sale of intoxicating and malt liquors on the day “commonly called Sunday,” is an open, a flagrant, a palpable violation of the law. It is regarded by the law as an offence deserving not merely a fine, but imprisonment—a *disgraceful* offence in the eye of the law. It

* That is, an “offence of a less atrocious nature than a crime.” “*Crimes and misdemeanors*,” says Blackstone, “are mere synonymous terms; but in common usage, the word crime is made to denote offence of a deeper and more atrocious dye.”

places the man who is engaged in it on a level with other violators of the law. It declares that he may be taken away from his business and family, and made the companion of felons.

And yet, under this law, and with the full knowledge of its provisions, very many dram shops and taverns in this city are open on the Sabbath; liquors of every kind are as freely sold on that day, as on any other day of the week, or as any article of hardware or dry goods is on any day of the week. While places of ordinary business are almost entirely closed on the Sabbath, these places are open without disguise or restraint; and, beyond all question, more liquor is sold on that day than on any other day of the week. If there is an *advantage* in the prosecution of worldly pursuits by keeping places of business open on all the days of the week, then he whose business leads only to drunkenness, to crime, to pauperism, to beggary, to wretchedness—whose business goes to furnish three fourths of the criminals arraigned before the courts, and consigned to the penitentiary or the gallows, and more than three fourths of the inmates of the almshouse—enjoys a *preference* above other men. Other places are closed, to the loss of a seventh part of their business; his is open, with all the advantage of the cessation from labor in his favor in the other occupations of the community; on a day when, released from toil in their regular employment, the masses of those who are most likely to patronize him are at leisure, and will be under stronger temptations than on other days to encourage him. If the Legislature had passed a law granting this as a privilege conferred on him, and withheld from the keeper of a dry goods store or a hardware store, no language of denunciation would be too strong in characterizing it as a disgraceful monopoly; as an invasion of the equal rights of men. As it is, the community—our Christian community—presents this anomalous and singular spectacle on every Sabbath. Our stores, banks, insurance offices, factories, foundries,

carpenter shops, blacksmith shops, schools, colleges, are closed. Our streets are free from carts, drays, wagons, and barrows; the sound of a hammer is not heard; the courts stand adjourned; the markets are vacant. But the places where men are made drunkards, criminals, and paupers; where families are made wretched and are impoverished; where candidates for the almshouse and the penitentiary are multiplied; where the hearts of mothers, and sisters, and wives, and children, are crushed with unutterable woes, are open. And at the same time it is asserted, that, although this is a palpable violation of the law, there is no power in the chief magistrate of this city, or in his police, to close these fountains of woe, and to abate the evil.

(3.) The third point affecting the Sabbath, relates to the question whether the laws shall be so modified as to allow the running of the city cars on that day. This would involve a change of the laws, and make necessary direct legislation on the subject, affecting a vital principle in regard to the whole law of the Sabbath.

It is mainly now with reference to this question, that this community and the Legislature are asked to deliberate and act.

In reference to this we remark, in general, (a) That the running of cars on the Sabbath is not *demand*ed or *ask*ed for by the public. There has been no such expression of public sentiment in its favor as should be made in order to justify a legislative body in a material change of the laws. Such a change, if made, should be for the public good, and only when it is ascertained, or may be presumed, that the public demand the change. (b) It is not *required* by any public necessity. All the necessities of business, so far as the running of these cars is concerned, are, and must be, fully accomplished by the present arrangement, unless it is contemplated to abolish the Sabbath altogether, and intended that business shall be pursued, and the places of amusement opened, on that day

as on other days of the week. For business purposes; for the ordinary worldly transactions; and for the prosperity of cities and large towns, these cars are of inestimable value, and could not now be dispensed with; and if business is to be prosecuted, and the places of amusement opened on that day as well as on other days, then the running of these cars on that day would be indispensable. But, on business grounds, on no other supposition. (c) It is not necessary in order to accommodate those who attend on public worship. No material inconvenience has been experienced by the present arrangement for many years, and the religious community has not *asked* that the law should be changed, and, as far as our information goes, would be, with almost entire unanimity, opposed to a change in the law. (d) It would be a very material disturbance, not only to the public peace and quiet of that day, but to the religious services of the day. In this city many of the churches are situated on the lines of the city railways; and in those churches, situated, as they are, near the street, it may be doubted whether the ordinary services of public worship *could* be kept up to edification or profit, if cars were to pass along in the brief intervals of three or four minutes. (e) It would be an unjust measure toward a large class of persons now engaged in running the cars. We have endeavored to show that it has come to be regarded as a *right* in reference to the laboring classes that they should have this as a day of rest, and that contracts are made with this understanding. It is plain that there should be no legislation that would *discriminate* in the matter, by compelling one class to labor while other classes enjoy a day of rest; or that should make it *necessary* that any class of persons, engaged in honorable employments, should labor on that day or be thrown out of employment. Yet this must be the operation of such a law in relation to a large number of men employed as drivers, conductors, and agents on the city cars. In reference to that entire class, there could be no more unjust

legislation than to compel them to pursue on that day the ordinary toils of the week, on penalty of losing their places. It would be no more unjust in principle to pass an act compelling the owners of blacksmith shops, and the keepers of dry goods stores and groceries, to open their places of business on every day of the week. (*f*) Such a law would disturb altogether the habitual, the proverbial quiet of the Sabbath in the city of Philadelphia. It is among the things for which the citizens of Philadelphia in general may congratulate themselves, and for which the religious portion has especial occasion for thankfulness, *that this city is, and has been, the most quiet and orderly city on the Sabbath in the world.* In our own country no other city or large town is to be compared with it. We need not say, that there is no city on the continent of Europe that bears any resemblance to it in its habitual peace and order on that day. Assuredly, the community and the Legislature should pause before a law is passed that would effectually take away this just occasion for congratulation, pride, and thankfulness. (*g*) The passage of such a law would change the whole order of things in the city. If cars may run, why may not carts, and wagons, and barrows, and drays? If this form of business may be prosecuted, why may not any other? If the operatives on the cars are to be, by law, deprived of the right to a day of rest, why may not the operatives on the wharves, and in the machine shops, and in the banks? We deprecate, therefore, any such change. We protest against such an innovation on the established order of the city, and such unjust legislation in reference to any class of citizens. We protest against any such change in the laws as would make the Sabbath a day of business or amusement; as would *invite* the community to desecrate the day; as would be a public proclamation that the wholesome laws which have so long preserved peace and order in our city are to be no longer in force. And, (*h*) once more, the running of these cars on the Sabbath would multiply disorders, and offences

against the laws. The effect, beyond all question, would be to induce many to resort to gardens and saloons for drinking, in the suburbs of the city; to gather them together under circumstances tending to promote disorder and vice; to increase the habits of drinking, under whose evils the city is suffering so much already; and to increase in all such assemblages the temptations to crime and riot. By the existing laws, almost the entire population is released from the necessity of labor on that day, and nothing could be more perilous for a great city than to furnish additional facilities and temptations for bringing multitudes together, where a leading or main purpose would be indulgence in intoxicating drinks.

We have adverted to some particular subjects in which there is already existing an open disregard of the laws of the Sabbath, or in which a change is contemplated by the laws. The occasion is one on which it is desirable to submit some more general remarks on the obligations of the Sabbath, and its value to man.

We do not deny that laws may be changed. The Legislature has power to do this within the limits of the Constitution; and the people have the power to change the Constitution itself. But there are limitations in this subject; bounds beyond which such changes should not proceed. If the laws in existence are founded on the law of God, there can be no power to abolish that law; if they are founded on principles of our nature, and are connected with the good of society, then they are changed only at the peril of the community. If they have worked well so long as to give them a fair trial; if they are unjust to no one, and if they wrong no one; if they bear equally on all classes of citizens, and are oppressive to none; if they promote order, peace, industry, domestic tranquillity, and prosperity; and if they secure impartial justice to all, they should not be changed. No legislative body could have a right to legalize murder, in palpable violation of the law of God; we believe it to be equally clear that no legislative body

has a right to abrogate the law of the Sabbath. In no case has a legislature a right to pass laws that would be unjust to any class of citizens ; that would be partial in their operation ; that would be oppressive to any ; that would tend to promote disorder, idleness, domestic broils ; or that would manifestly interfere with the public prosperity. In legislation, moreover, it is a great principle *that a community should not RETROGRADE* ; that where a just and equal law exists it should not be changed for a worse, but that the results of past experience should be allowed to operate in retaining laws that are good, and in securing such progress in the same direction as shall be the proper result of the accumulated wisdom and experience of the past. The law of the Sabbath has worked well in our old Commonwealth thus far ; to abolish it would be a retrograde step that would peril the best interests of the community.

The law of the Sabbath is founded on a general law of our nature, and which is as permanent and enduring as our nature itself. That general law is, *that in respect to all the efforts which we can put forth, rest is demanded after exertion ; that a continued and unremitted employment of our powers is, in many cases, impossible, and in all injurious ; and that by allowing the periodical rest which nature demands, man will accomplish more than he can by continuous and unremitted effort.*

This is true of the muscular system, voluntary and involuntary. In respiration, in the winking of the eyes, in the beating of the heart, there is a system of alternate action and repose, each brief in their existence, but indispensable to the continuance of the healthy action of the muscles, and to the preservation of life. The same is true of our voluntary muscles. He who endeavors to labor at the same thing continually ; he who attempts to run or walk without relaxation ; he who exercises the same class of muscles in writing, or in the practice of music, is soon sensible that he is violating a law of nature, and is compelled to pay a fearful penalty.

But beyond this we need a longer and a more entire repose ; and we must have it, or nature will inflict the appointed penalty. We need a universal relaxation of the system ; such a state that every muscle and nerve of the body shall be laid down and left undisturbed in an easy posture for hours together ; such a state that there shall be no danger of summoning it into action. Nature has provided for this in the necessity of *sleep* ; and this law can be violated only under a fearful penalty of health or life. There is no muscular frame so powerful that it can be disregarded ; there is no pursuit so attractive as to make it long inoperative ; there is no joy so intense that sleep can be always driven away ; and there is no sorrow so keen that it will not ultimately yield either to the calm sleep of night, or the calmer slumber of the grave. The mighty mind and the vigorous frame of Napoleon, once enabled him, in the active scenes of a campaign, to pass four days and nights without sleep, and then he fell asleep on his horse. The keenest torture which man has ever invented, has been a device to drive sleep from the eyes, and to fix the body in such a position that it could not find repose :—and even this must fail, for the sufferer will *find* repose, either *on* the rack, or *in* death.

The same law exists in regard to the mind. No man can long pursue an intellectual effort without repose. If he does not yield to the law demanding rest, the mind is unstrung, the mental faculties are thrown from their balance, and the frenzied powers, perhaps yet mighty, move with tremendous and irregular force, like an engine without balance-wheel or governor, or the ravings of the maniac.

And so it is in our moral feelings. The intensest zeal will not always be on fire ; the keenest sorrow will know intermission ; and even love will not always glow with equal ardor in the soul.

But there is a higher principle still ; equally universal—equally necessary to be regarded. It is that man needs, in common with the inferior creation, seasons of rest periodi-

cally returning, and at short intervals, when all labor shall be suspended, and when all the faculties of the mind and body shall have repose. Man, like the inferior animals employed in his service, by yielding to this law, will accomplish more ; will live longer ; will have more vigor than if the law is disregarded. There has never been a government which has contemplated in its laws uninterrupted toil, or which has not made arrangements for seasons for relaxation, for social pastimes, or for the duties of religion. Such arrangements have entered into all systems of legislation, from Solon and Numa to James I. and Charles II.; from the laws of Sparta to the "Book of Spirits;" and now enter into the views of all classes of men who attempt to model society.

The facts on this point are too numerous and too well known to make it necessary or proper for us to go into detail. In the Hebrew laws the Jew had secured to him, by law, every seventh day, and every seventh year, and every fiftieth year, in addition to numerous festivals and feasts, as days of rest. This arrangement extended to every class of the community ; to the servant as well as to the master ; to the subject as well as to the Prince ; to the laboring classes as well as to the ecclesiastical orders. The student of classical literature has only to open his Potter, or his Adams on Grecian and Roman Antiquities, or look into Eschenburg, in his manual of Classical Literature, to learn how this matter was arranged in Greece and in Rome ; how many days there were in each year which were regarded as sacred days, to be devoted to the worship of particular Gods, or to the commemoration of great national events ; days in which the yoke was loosed even from the neck of the slave, and in which he was permitted to taste the blessings of temporary freedom. Alike in Greece and in Rome, the number of days which would have been so separated from other days in each year would have far exceeded what would be demanded by the observance of the Christian Sabbath, and the amount of actual interruption in the course of business, gain, studies,

and in the administration of justice, was much greater than would arise from the observance of the Christian Sabbath, after the most rigid and stern of the Scottish and Puritan notions. To those who have read the story of the French Revolution, we need not say that in the highest state of frenzy of the Revolutionists, and in the midst of their most determined madness against the institutions of revealed religion, it never occurred to them to abolish all days of relaxation from toil. They never dreamt that the physical energies of a people could be uninterruptedly taxed, or that the wheels of commerce, ambition, and war, could always be rolled on. They knew that the exhausted powers of men demand repose; that there are times when, if the State would live, the wheels of business must be suffered to stand still, and that man must have rest. They appointed the *decade*, the tenth day, for such an observance, instead of the seventh. The necessity of *some* season of rest from toil is one of the elementary laws engraven on the constitution of man.

To a great extent also, from some cause, as is well known, the views of men have settled down on the *seventh* day, or the *seventh* portion of time, as about the amount of time which should be appropriated to rest, and to the duties of religion. Hesiod says, "the seventh day is holy." Lucian says, "the seventh day is given to school-boys as a holy day." Dion Cassius says that, "the custom of computing time by periods of seven days was spread from the Egyptians to all the human race." Josephus says, "No city of Greeks or Barbarians can be found which does not acknowledge a seventh day's rest from labor." Philo says, "the seventh day is a festival to every nation."* This view has commended itself to all the nations of Europe, and to the entire population of the States and Territories of our land.

In considering the questions to which we have adverted in respect to the laws of the Sabbath, and the question whether a change shall be made in these laws, it is well to

* Grotius de Veritate, pp. 44, 45.

ask what has been the result of experience. There is no testimony, as yet, bearing on the *advantages* to the individual or the community from disregarding the Sabbath, and devoting "every day of the week," and "every day of the year," to toil. But there are testimonies in abundance of the evil of continued toil, and of the advantages of a day of rest on the physical, as well as on the religious and moral condition of man. We select only a few.

In the year 1832, the British House of Commons appointed a committee to investigate the effect of laboring seven days in a week, compared with the effect of laboring six, and resting one. The committee examined a great number of citizens of various professions and employments. We select a part of the testimony of one—Dr. John Richard Farre, of London. "I have practised," says he, "as a physician, between thirty and forty years, and during the early part of my life, as the physician of a public medical institution. I had charge of the poor in one of the most populous districts of London. I have had occasion to observe the effects of the observance and non-observance of the seventh day of rest during this time. I have been in the habit, during a great many years, of considering the *uses* of the Sabbath, and of observing its *abuses*. The abuses are chiefly manifested in labor and dissipation. Its use, materially speaking, is that of a day of rest. As a day of rest, I view it as a compensation for the inadequate restorative power of the body under *continued* labor and excitement. The ordinary exertions of man *run down* the circulation every day of his life, and the first general law of nature, by which God prevents man from destroying himself, is the alternating of day and night, that repose may succeed action. But although the night apparently equalizes the circulation, yet it does not sufficiently restore its balance for the attainment of a long life. Hence, one day in seven, by the bounty of Providence, is thrown in as a day of recuperation, to perfect, by its repose, the animal system. I consider, therefore, that in the bountiful provisions

of Providence for the preservation of human life, the Sabbathical appointment is not, as it has sometimes been theologically viewed, simply a precept partaking of the nature of a political institution, but that it is to be numbered among the *natural* duties, if the preservation of life be admitted to be a duty, and the premature destruction of it a suicidal act. I have found it essential to my own well-being, as a physician, to abridge my labor on the Sabbath to what is actually necessary. I have frequently observed the premature death of medical men from *continuous* exertion. A human being is so constituted that he needs a day of rest, both from mental and bodily labor."

A distinguished financier, charged with an immense amount of property during the great pecuniary pressure of 1836 and 1837, said: "I should have been a dead man, had it not been for the Sabbath. Obligated to work from morning to night through the whole week, I felt on Saturday, especially on Saturday afternoon, that I *must* have rest. It was like going into a dense fog; every thing looked dark and gloomy, as if nothing could be saved. I dismissed all and kept the Sabbath in the good old way. On Monday it was all bright sunshine. I could see through, and I got through. But had it not been for the Sabbath, I have no doubt that I should have been in my grave."

Dr. John C. Warren, Professor in the Medical Department of Harvard University, says: "So far as my observation has extended, those persons who are in the habit of avoiding worldly cares on the Sabbath, are those most remarkable for the perfect performance of their duties through the week. I have a firm belief that such persons are able to do more work, and to do it in a better manner, in six days, than if they worked the whole seven."

Sir Matthew Hale said: "Though my hands and my mind both have been as full of secular business, both before and after I was judge, as, it may be, any man's in England, yet I never wanted time, in six days, to ripen

and fit myself for the employments I had to do, though I borrowed not one minute from the Lord's day to prepare it, by study or otherwise. But, on the other hand, if I had at any time borrowed from this day any time for my secular employment, I found that it did further me less than if I had let it alone; and, therefore, when some years' experience, upon a most attentive and vigilant observation, had given me this instruction, I grew peremptorily resolved never in this kind to make a breach upon the Lord's day, which I have now strictly observed for more than thirty years."

Adam Smith says: "The Sabbath, as a political institution, is of inestimable value, independently of its claim to divine authority."

Blackstone: "A corruption of morals usually follows a profanation of the Sabbath."

Lord Macaulay: "If Sunday had not been observed as a day of rest during the last three centuries, I have not the smallest doubt that we should have been at this moment a poorer, and a less civilized people than we are."

Sir Walter Scott: "Give the world one half of Sunday, and you will find that religion has no strong hold on the other."

Edmund Burke: "They who always labor can have no true judgment; they exhaust their attention; burn out their candle; and are kept in the dark."

An experiment in regard to the Sabbath was tried in England on two thousand men. They were employed for years seven days in a week. To render them contented in giving up their right to the Sabbath as a day of rest, they paid them double wages on that day. But they could not keep them healthy, or make them moral. Things went badly, and they changed their course. The consequence was that they did more work than ever before.

Of fourteen hundred and fifty convicts who had been committed to the Auburn State prison previously to the year 1839, only twenty-seven had been in the habit of observing the Sabbath. A gentleman who has had the

charge of more than one hundred thousand prisoners, says that he does not recollect a single case of capital offence where the party had not been a Sabbath-breaker.

On such reasonings as we have presented in this paper, and on such testimonies as these respecting the value of the Sabbath, we think it right to appeal to our fellow-citizens in regard to the sacred observance of the day, and the maintenance and perpetuity of the laws on the subject. For ourselves personally, also, and in the utterance of this conviction we express the sentiment of a large portion of our fellow-citizens, we believe that the commandment, "Remember the Sabbath day to keep it holy," is a law of God, unrepealed and unrepeatable; that it becomes a subject of human legislation only as the law of God is, in respect to murder, theft, adultery, and perjury, not to be repealed or modified, but to be incorporated with the laws of society, as essential to order, to prosperity, and to the general good of the State; that the institutions of a State are to be adjusted to the proper observance of these laws, and that it is in reference to these adjustments only that the power of human legislation extends;* that as no community would have a right to legalize murder, theft, adultery, or false swearing, so no community has a right to legalize the violation of the Sabbath; that those who attempt this are, therefore, alike hostile to the true interests of the Commonwealth and the law of God: and, on grounds such as these, we solemnly appeal to our fellow-citizens to unite in the preservation of those laws which have been handed down to us from the founders of the Commonwealth—laws which for a century and a half have worked well; which have been closely connected with the prosperity of the Commonwealth; and whose observance hereafter, as it has been heretofore, will, we believe, be identified with the welfare of the State, and the favor of Almighty God.

* CH. J. LEWIS, as before quoted: "The Sabbath is a Christian institution, recognized by the common law and the Constitution, *and on this ground alone has the legislature a right to pass laws for its observance.*"

